Page 1 of 2

EXECUTIVE SUMMARY - ENFORCEMENT MATTER DOCKET NO.: 2007-1881-MLM-E TCEQ ID: RN101531887 CASE NO.: 34980 RESPONDENT NAME: DOWD & SONS AUTOMOBILE SALVAGE COMPANY, INC. AKA DOWD & SONS, INC.

ORDER TYPE:	·	-
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	EMERGENCY ORDER	
CASE TYPE:		
AIR	X MULTI-MEDIA (check all that apply)	INDUSTRIAL HAZARDOUS WASTE
PUBLIC WATER SUPPLY	X_PETROLEUM STORAGE TANKS	X OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
TYPE OF OPERATION: Automobile salv SMALL BUSINESS:XYesN OTHER SIGNIFICANT MATTERS: Ther facility location. INTERESTED PARTIES: No one other that COMMENTS RECEIVED: The Texas Reg CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Jennifer Co Ms. Lena Rober TCEQ Enforcement Coordinator: TCEQ Regional Contact: Mr. Sar Respondent: Mr. Mike Dowd, Pres Texas 75151	No .	9. No comments were received. 73 9 MC R-4, (817) 588- 5825 7) 588- 5903

RESPONDENT NAME: DOWD & SONS AUTOMOBILE SALVAGE COMPANY, INC. AKA DOWD & SONS, INC.

DOCKET NO.: 2007-1881-MLM-E

VIOLATION SUMMARY CHART:	VIOLATION SUMMARY CHART:							
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED						
Type of Investigation:	Total Assessed: \$4,673	Ordering Provisions:						
Complaint X Routine X Enforcement Follow-up Records Review	Total Deferred: \$0 Expedited Order Financial Inability to Pay SEP Conditional Offset	The Respondent shall undertake the following technical requirements: 1. Within 30 days, obtain qualified, licensed						
Date of Complaint Relating to this Case: None	Total Paid/Due to General Revenue: \$394/\$4,279	personnel to conduct a site assessment and submit a copy of the site assessment report. If corrective action is necessary, comply with 30 Tex. ADMIN. CODE § 334.79 "Removal of						
Dates of Investigation Relating to this Case: September 26, 2007 (initial investigation); May 28, 2008 (follow-up investigation)	The Respondent paid \$394 of the administrative penalty. The remaining amount of \$4,279 shall be payable in 11 monthly payments of \$389 each.	Non-Aqueous Phase Liquids" and 30 Tex. ADMIN. CODE § 334.80 "Investigation for Soil and Groundwater Cleanup".						
Dates of NOEs Relating to this Case: October 29, 2007; June 13, 2008	Site Compliance History Classification High X Average Poor	2. Within 45 days, submit written certification demonstrating compliance with the above Ordering Provision.						
Background Facts: The EDPRP relating to the September 26, 2007, investigation was filed April 22, 2008. On May	Person Compliance History Classification High X Average Poor							
28, 2008, additional violations were discovered, and an EDFARP was filed October 9, 2008. The	Major Source: Yes X No							
Respondent filed an answer and the case was referred to SOAH. Settlement was achieved and a signed Agreed Order was received on July 15, 2009.	Applicable Penalty Policy: September 2002							
Current Compliance Status:								
The Respondent has not yet submitted documentation to certify compliance with the technical requirements.								
MLM:								
1. Failed to hold an on-site supervisor license and contractor registration prior to removal of a UST from the ground [30 Tex. ADMIN. CODE §§ 30.5(a), 30.301(b), 334.55(a)(3) and 334.401(a) and Tex. WATER CODE § 37.003].								
2. Failed to provide a written notification to the TCEQ at least 30 days prior to performing a major construction activity, namely removing a UST [30 Tex. ADMIN. CODE §§ 334.6(b)(2) and 334.55(a)(1)].								
3. Failed to determine whether or not a release has occurred by performing a site assessment [30 Tex. ADMIN. CODE §§ 334.55(a)(6) and 334.55(e)(1)].								

	Penalty Calculatio	n Worksheet (P	•	luno 12 2008
Policy Revision 2 (Septer	nber 2002)		PCVV Revision	June 12, 2008
DATES Assigned PCW	17-Jun-2008 Screening 23-Jun-2008	EPA Due		19-20-19-19-19-19-19-19-19-19-19-19-19-19-19-
RESPONDENT/FACILITY IN	NFORMATION			turi Yayahaya
	OWD & SONS AUTOMOBILE SALVAGE	COMPANY, INC.		
Reg. Ent. Ref. No. R	-Dallas/Fort Worth	Major/Minor Source	Minor	-
racility/ofte (tegion)	Ballast Str VVO.til	10-linearit as the rest of contracting and con		
CASE INFORMATION			nt tyr ytt. John togars.	
Enf./Case ID No. 3	4980 007-1881-MLM-E	No. of Violations Order Type		-
Docket No. 2	II Occupational Licenses	Government/Non-Profit		-
Multi-Media	ii Oodapatoriai Lioonooo	Enf. Coordinator		1
_		EC's Team	Enforcement Team 6]
Admin. Penalty \$ Lir	mit Minimum \$0 Maximum	\$2,500	ppendumentum un tannum enterne	
	Penalty Calcula	ation Section		
TOTAL BASE PENALT	Y (Sum of violation base penaltie	9 S)	Subtotal 1	\$625
and the production of the contract of the cont	Margine	n merikan sebagai kabupatan mengan mengan mengan berasa sebagai berasa berasa sebagai berasa berasa sebagai be Kabupatan berasa berasa berasa mengan berasa ber	e i i komen i kun i desebberetata etilik iliye etilik etilik iliye etilik e	remany, agontik dy zbydyn
ADJUSTMENTS (+/-) T	O SUBTOTAL 1 d by multiplying the Total Base Penalty (Subtotal 1) by			
Compliance Histor		y the indicated percentage. Enhancement Subto	otals 2, 3, & 7	\$12
Compilation	A the color of the control of the color of t			
Notes	Enhancement for one prior NOV with	n dissimilar violations.		and all a second and a second a
Culpability N	0.0%	Enhancement	Subtotal 4	\$0
			Notice that the second of the	-
Notes	The Respondent does not meet the	e culpability criteria.		
6244	<u> </u>			
Good Faith Effort t	o Comply Total Adjustments		Subtotal 5	\$0
Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
	h	d at the Total EB \$ Amount		
Approx. Oc	st of Compliance \$343			
SUM OF SUBTOTALS	1.7	i i i i i i i i i i i i i i i i i i i	inal Subtotal	\$637
getting agrico and great for the time entropy was	dan Mangagi (1904) sa matika 1907 - An mata mata pada dan di mata menanggi kebasahan menanggi kebasah sa berad Kebasah		by an extended a way in the a	
OTHER FACTORS AS	JUSTICE MAY REQUIRE	56.7%	Adjustment	\$361
Reduces or enhances the Final Sub	total by the indicated percentage.		Ī	
Notes	Recommended enhancement to capt			
Notes	compliance associated with \	/iolation No. 1.		
<u> </u>		Final Per	nalty Amount	\$998
STATUTORY LIMIT AD	MUSTMENT	Final Asse	ssed Penalty	\$998
			= 5.75.1:72.20.70.1 	1
DEFERRAL		0.0% Reduction	Adjustment	\$0
	ly by the indicted percentage. (Enter number only; e.	g. 20 for 20% reduction.)	1	
*1-1	Deferral not affered for non-	aditad sattlement		
Notes	Deferral not offered for non-expe	cuited Settlement.		
	<u> </u>		J	

PAYABLE PENALTY



\$998

Screening Date 23-Jun-2008

Docket No. 2007-1881-MLM-E

PCW

Respondent DOWD & SONS AUTOMOBILE SALVAGE COMPANY, I

Policy Revision 2 (September 2002) PCW Revision June 12, 2008

Case ID No. 34980

Reg. Ent. Reference No. RN101531887

liance Histor	Compliance History Worksheet / Site Enhancement (Subtotal 2)		
		nter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	o	0% -
	Other written NOVs	1	2%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	. 0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)		0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	Ö	0%
	Plea	se Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment P	laraantaga (S	ubtotal 2)
	Aujusunent P	ercentage (S	ubiolai 2)
ıt Violator (Sı	ibtotal 3)	UMLERATE	
No	Adjustment P	ercentage (S	ubtotal 3)
liance Histor	y Person Classification (Subtotal 7)		83.45439430
Average P	Performer Adjustment P	ercentage (S	ubtotal 7)
			YELVIEW KAUV
liance Histor	y Summary - Leading State and the second and the second second second second second second second second second		- Santa Antonio (1920). -
Compliance History Notes	Enhancement for one prior NOV with dissimilar violations.		

Screening Date	23-Jun-2008 Docket No. 2007-1881-MLM-E	PCW
Respondent	DOWD & SONS AUTOMOBILE SALVAGE COMPANY, INC. Policy Re	vision 2 (September 2002)
Case ID No.	•	W Revision June 12, 2008
Reg. Ent. Reference No.	RN101531887	
	All Occupational Licenses	
Enf. Coordinator	Judy Kluge	
Violation Number		
Rule Cite(s)	30 Tex. Admin. Code §§ 30.5(a), 30.301(b), 334.55(a)(3), 334.401(a) and Tex. Water Code § 37.003	
Violation Description	Failed to hold an on-site supervisor license and contractor registration prior to removal of an UST from the ground. Specifically, the Respondent removed one UST at the Facility without holding a license or registration.	
	Base Penalty[\$2,500
>> Environmental, Property an		
Release	Harm Major Moderate Minor	
OR Actual	Wajor Woodrate Wilhor	
Potential	X Percent 25%	
>>Programmatic Matrix		
Falsification	Major Moderate Minor Percent 0%	
		10
Matrix Notes Human health are p	or the environment will or could be exposed to pollutants which would exceed levels that rotective of human health or environmental receptors as a result of the violation.	
	Adjustment \$1,875	Andrope
	[\$625
Violation Events		
Niverbox of V	olation Events 1 1 Number of violation days	
Numper of Vi	olation Events Number of violation days	
	dally	
mark only one with an x	monthly quarterly Violation Base Penalty Semiannual annual single event x	\$625
One single	event is recommended based on documentation of the violation from the May 28, 2008 investigation.	
Good Faith Efforts to Comply	0.0% Reduction	\$0
figures, 200 and the second se	Before NOV NOV to EDPRP/Settlement Offer	
	Extraordinary	
	Ordinary	
	N/A x (mark with x)	
	Notes The Respondent does not meet the good faith criteria for this violation.	
	Violation Subtotal	\$625
Economic Benefit (EB) for this	violation Statutory Limit Test	
Estimate	d EB Amount \$361 Violation Final Penalty Total	\$999
	This violation Final Assessed Penalty (adjusted for limits)	\$999
Learn out of several properties and a several		DEFE JOSEPH KEIPERCOG TOGEFORDERE SENDE

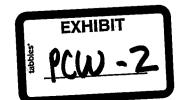
	E	conomic	Benefit W	orks	sheet		
Respondent	DOWD & SONS	S AUTOMOBILE S	ALVAGE COMPA	NY. INC	akum salahakear salah di 1 D	The state of the second of the state of the second	el till silvi eri selvi sem le
Case ID No.		3,,0,0,0,,0		,	-		
Reg. Ent. Reference No.							
	All Occupationa	I Liconnon				F 11 1 30 15 15 15 15 15 15 15 15 15 15 15 15 15	Years of
The second of th	•	ii Licelises				Percent Interest	Depreciation
Violation No.	1 1	section and the constants	right garting a state of the	2 (00 C 11 19 K)	and and address.		ti ta ta a saarii
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	Griden of Mo					
		a diaminated at metabor	To the New Adams of the Country of the Country	To take	a registration of the same seems		
Delayed Costs		SERVICE TO A		. 1 ₀ (4.175)			
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
- Land				0.00	\$0	n/a	. \$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	i n/a	\$0
Permit Costs				0.00	\$0	□ Sia Un/a Mise	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes to BELAVED and	* .						
Notes for DELAYED costs							
		. 7.2				ing a series of the series of	**;
Avoided Costs	ANN	UALIZE [1] avoid	ed costs before e	ntering	item (except for	one-time avoided c	osts)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment		Alama Cara Cara A		0.00	\$0	\$0	\$0
Financial Assurance [2]			100	0.00	\$0	\$0	* \$0
ONE-TIME avoided costs [3]	\$343	1-Apr-2008	28-May-2008	1.07	\$18	\$343	\$361
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	Avoided cost t					on. The date require of the compliance.	d is the date of
Approx. Cost of Compliance		\$343			TOTAL		\$361

Jue 1	Pena	lty Cal	culatio	n Works	sheet (P		
Policy Revision 2 (Septe	mber 2002)				·	PCW	Revision June 12, 2008
[CEQ				and the second of the second o	- 1 1-12-12-13 T	d	
	17-Jun-2008		V I 0000	EPA Due	\$ (A)	AMADEL EMADAGA	New 2001 and the second of the
PCW	24-Jun-2009 Sc	reening 23	3-Jun-2006	_ EPA Due			
RESPONDENT/FACILITY I	NEODMATION	5 - 13 92 .		1 - 44 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -	in a particularia		- 1987 (1881 - 1884) - 18
Respondent F	DOWD & SONS AL	ITOMOBIL E	SALVAGE	COMPANY IN	1C		1
Reg. Ent. Ref. No.	2N101531887	TONIOBILL	ONEVIOL	OOM 7441, II			
Facility/Site Region	1-Dallas/Fort Worth			Major/I	Minor Source	Minor	<u> </u>
racility/ofte Region	- Ballaon Olt TTOTAL					<u> </u>	succession on both sold-background advanced all hoppings.
CASE INFORMATION		AL GRADIE		VI. ESTABA		Summari	
Enf./Case ID No.	34980			No.	of Violations	2	
Docket No.	2007-1881-MLM-E		1000	1	Order Type	1660	
Media Program(s)	etroleum Storage	Tank			nt/Non-Profit		
Multi-Media				Enf.	. Coordinator	Judy Kluge	
_					EC's Team	Enforcement Tea	m 6
Admin. Penalty \$ L	imit Minimum	\$0 Ma	ximum	\$10,000			
		Penalty	Calcula	ation Sec	tion		
		•			TEETERE		\$3.500
TOTAL BASE PENAL	IY (Sum of Viol	ation bas	e penaiti	9 S)		Subtotal 1	\$3,500
AD HIOTHENTO (1/)	TO CUPTOTAL						
ADJUSTMENTS (+/-) Subtotals 2-7 are obtained	IO SUBTOTAL	I al Base Penalti	(Subtotal 1) b	v the indicated per	centage	STARESTA ATELIET	
Compliance Histo		al Dage i Charty		Enhancement	Subt	otals 2, 3, & 7	\$70
	• 9 aga jawa na arawa 11 a a a	The state of the s				1,7 706, Tagi . \$10 G \$	
Notes	Enhancer	nent for one	NOV with d	issimilar violat	ions.		
.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,							
	1987.0	servicus, complete solutions	SUITAGE VEGET VETER.	uvernes niverseerings de vez	r sygge maga rappront (ABS) project to	- Herotogon, kozerszűvéssek	<u>¢0</u>
Gulpability [No I		0.0%	Enhancement		Subtotal 4	\$0
경영 경영 경영 (1) 12:10 경영	The Deep		mat mant th	o ouloobility or	itorio		
Notes	ine Respo	ondent does	not meet til	e culpability cr	ileria.		
L					· ·	3	
Cood Falth Effort	to Comply Total A	diuetmants		SAMETER KRAW		Subtotal 5	\$0
GOOG FAILIT ETION	to comply rotal.		BRUS VIRUSES	lete Mil/olddicole±aa	Awir 810 1936 Calabata (Edition)	Selvi A. Control (C. C. Selli, E. C. Control (C. C.	:
							•
Economic Benefit			0.0%	Enhancement*		Subtotal 6	\$0
g 1870 (CVIII) i regesti i consessi consessi e consessi e consessi e consessi e consessi e consessi e consessi I	Total EB Amounts	\$278	*Cappe	d at the Total EB \$	S Amount		
Approx. C	Cost of Compliance	\$3,100					
and sections of the section of the s			TENERUSINE				\$3,570
SUM OF SUBTOTALS					aference.	Final Subtotal	Ψ0,070
Comment we control with the Comment of Comment was required. In the Comment of Comment o				0.00		waterwesseries.	\$105
OTHER FACTORS AS				2.9%		Adjustment	\$105
Reduces or enhances the Final Su	btotal by the indicated p	ercentage.				1	
	Recommende	d enhancem	nent to capti	ire the avoided	d costs of		
Notes				/iolation No. 1.			
L					Einal Po] naity Amount [\$3,675
					i illai Fe	naity Amount	ψ0,010
OTATITODY I BAT A	DILICTMENT				Einal Aaa	seed Penalty	\$3,675
STATUTORY LIMIT A	Panalikieni	Varioù Ross		Herita Haran	Filial ASS	essed Penalty	Ψ0,070
ananimin aggeteen aga dag tilgang aga 18000000		arranten kul	TRENZES	0.007			\$0
DEFERRAL Reduces the Final Assessed Pena	(b, b, the leaf-t-d	ntono (Enta-	wmberenkee	0.0%	Reduction	Adjustment	φυ
Reduces the Final Assessed Pena F	my by the malcted perce	maye. (Emern	iuilibei Ulliy, e.	g. 20 101 20/6 1801	iouon.j	1	

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY

Notes



\$3,675

Screening Date 23-Jun-2008

Docket No. 2007-1881-MLM-E

PCW

Respondent DOWD & SONS AUTOMOBILE SALVAGE COMPANY, I

Policy Revision 2 (September 2002) PCW Revision June 12, 2008

Case ID No. 34980

Reg. Ent. Reference No. RN101531887

Media [Statute] Petroleum Storage Tank

liance History Component	Site Enhancement (Subtotal 2) Number of	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	1.	2%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	· ·	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0.	0%
Addite	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Plea	ise Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
Other	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	t No	0%
	Adjustment F	Percentage (Si	ubtotal 2)
eat Violator (Su		Percentage (Si	ubtotal 3'
No		ercentage (Si	intotal sj
pliance Histor	y Person Classification (Subtotal 7)		
Average P	Performer Adjustment F	Percentage (Si	ubtotal 7)
pliance Histor	y Summary		JEHE
Compliance History Notes	Enhancement for one NOV with dissimilar violations.		
	Total Adjustment Percentage	o (Subtotals	23 & 7

Screening Date 2		Docket No. 2007-18		PCW
Respondent L Case ID No. 3	OOWD & SONS AUTOMOBILE	SALVAGE COMPANT, INC.		vision 2 (September 2002) W Revision June 12, 2008
Reg. Ent. Reference No. F				
(1) 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Petroleum Storage Tank			
Enf. Coordinator J Violation Number	udy Kluge			occupant of the state of the st
Rule Cite(s)	30 Tex. Admi	n. Code §§ 334.6(b)(2) and 334.6	55(a)(1)	
				and the second s
Violation Description	Failed to provide a written notifi major construction activity.	fication to the TCEQ at least 30 of Specifically, the Respondent remo	days prior to performing a poved the UST without a	
		construction notification.		
<u>L</u>				
			Base Penalty	\$10,000
>> Environmental, Property and				and the same of th
Release	Harm Major Moderate	Minor		
OR Actual		Davage	t 0%	, and a second
Potential		Percent	076	
>>Programmatic Matrix				·-
Falsification	Major Moderate	Minor Percent	t 10%	\$ j
				2 and a second
Matrix	100% of the rul	e requirement was not met.		**************************************
Notes	100% of the rule	s requirement was not mon		-
A STATE OF THE STA	enter a mentificial per al president president production de la company de la company de la company de la comp		ent \$9,000	
		Adjustme	enc \$3,000	
			l	\$1,000
Violation Events				
Number of Vio	lation Events 1	26 Number	r of violation days	

	daily monthly			
mark only one	quarterly		Violation Base Penalty	\$1,000
with an x	semiannual			
	single event x			
One single ev		documentation of the violation du nvestigation.	luring the May 28, 2008	
Good Faith Efforts to Comply	0.0% Re			. \$0
	Before NOV NC	V to EDPRP/Settlement Offer		
	Ordinary			
	N/A x (m	ark with x)		
	Notes The Responde	nt does not meet the good faith o	criteria for this	
		violation.		
			Violation Subtotal	\$1,000
E TOTAL DE SERVED LE AUT		Q6-64	ory Limit Test	
Economic Benefit (EB) for this		gginger van de sige til Brown by kantonisk er de brown i de folkede han de kantonisk i 19. de folkede er et brown fan er b	- ALL CALL CONTROL OF THE CONTROL OF	定。 12.
Estimated	EB Amount	\$105 Vio	lation Final Penalty Total	\$1,050
	Th	is violation Final Assessed Per	nalty (adjusted for limits)	\$1,050
ESTATE OF THE PROPERTY OF THE	ali delekaran garenak kanan baran	ologia propinski kolikir sa kalendari Member 1961 (1961) (1971)	si dan disenggan dan I nt igitang ang a	anno agus to an actual ado agus an an agus táistí ag

1 Item Cost	ing on a great and the factors				Percent Interest	Years of
Item Cost				A STATE OF THE STA	Yes in the	Depreciation
Item Cost					5.0	15
	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$						
	man na Sanat na 1994.			and the second second second second second	5 - C - C - C - C - C - C - C - C - C -	
					EXERTED 15	
			0.00	\$0	\$0	\$0
*****			0.00	\$0	\$0	\$0
			0.00	\$0	\$0	\$0
			0.00	\$0	\$0	\$0
			0.00	\$0	n/a	\$0
			0.00	\$0	n/au Mak	\$0
	3		0.00	\$0	n/a	\$0
			0.00	\$0	i i i i n/a k i i i i i	\$0
			0.00	\$0	/ m/a lim/a limited	\$0
: .			0.00	\$0	i v v n/a v v l	\$0
	1 W 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1				·	
ANN	IUALIZE [1] avoid	ed costs before e			one-time avoided c	
ANN	UALIZE [1] avoid	ed costs before e	0.00	\$0	\$0	\$0
ANN	UALIZE [1] avoid 	ed costs before e	0.00	\$0 \$0	\$0 \$0	\$0 \$0
ANN	IUALIZE [1] avoid	ed costs before e	0.00	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
ANN	IUALIZE [1] avoid	ed costs before e	0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
			0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
\$100	UALIZE [1] avoid	ed costs before c	0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
				0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00	0.00 \$0	0.00

Screening Date	23-Jun-2008 Docket No. 2007-1881-MLM-E	PCW
	DOWD & SONS AUTOMOBILE SALVAGE COMPANY, INC.	Policy Revision 2 (September 2002)
Case ID No.		PCW Revision June 12, 2008
Reg. Ent. Reference No.		
	Petroleum Storage Tank	
Enf. Coordinator		
Violation Number		
Rule Cite(s)		
• 1	30 Tex. Admin. Code §§ 334.55(a)(6) and 334.55(e)(1)	
Violation Description	Failed to determine whether or not a release has occurred by performing a sit assessment. Specifically, the owner/operator did not conduct a site assessment qualified personnel after the removal of the UST system.	te t by a
	Base	Penalty \$10,000
>> Environmental, Property an	d Primor Health Matrix	
	Harm	·
Release	Major Moderate Minor	
OR Actual		
Potential	x Percent 25%	
>>Programmatic Matrix		ŵ.
Falsification	Major Moderate Minor	
	Percent 0%	y. 7
Matrix Human health	or the environment will or could be exposed to pollutants which would exceed levels	that are
Notes pr	otective of human health or environmental receptors as a result of the violation.	·
		\$7,500
	Adjustment	\$7,500
		\$2,500
		HOT THE SAME DATE OF
Violation Events		
Number of Vi	iolation Events 1 26 Number of violation days	
mark only one with an x	daily	Penalty \$2,500
One month	ly event is recommended based on documentation of the violation from the May 28,	2008:
	investigation to the June 23, 2008 screening date.	
Good Faith Efforts to Comply	0.0% Reduction	\$0
The Transportation agree of the Artistic Annual Conference of the	Before NOV NOV to EDPRP/Settlement Offer	
	Extraordinary	Target and the same and the sam
	Ordinary	
	N/A x (mark with x)	and the second s
	Notes The Respondent does not meet the good faith criteria for this violation.	
	Violation S	Subtotal \$2,500
		MANNEY ON THE THE THE THE PROPERTY OF THE
Economic Benefit (EB) for this	violation Statutory Limit Test	
	Uinlatian Final Band	Ity Total \$2,625
Estimate	ed EB Amount \$173 Violation Final Penal	ιτ γ 1 Οται Ψ2,020
	This violation Final Assessed Penalty (adjusted fo	r limits) \$2,625

	E	conomic	Benefit W	orks	sheet		
Respondent	DOWD & SON	S AUTOMOBILE S	SALVAGE COMPA	NY. INC		ue of constituents to be a finite tracky to the	e en anti-mater de la
Case ID No.				,			
Reg. Ent. Reference No.							
		Took					Years of
	Petroleum Store	age rank				Percent Interest	Depreciation
Violation No.	2	egen nagrenegy, is a new managagagan g	ng danan perendigi dana pidipiya s	gere en jir j	na programma di dipolo di di	Pakalina Ja	same and a sile of a sile
경우, 집 마다 기계 200 이 전 1개						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$			1.			
	, 110 0011111100 01 4	a see a garage and a	e was a first of the first		Transfer of the Control of the Contr		
Delayed Costs	rajor et engagi		eren de jaren.			e da la Marina e de la con-	
Equipment				0.00	\$0	l \$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	 			0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	SUESE n/a	\$0
Permit Costs				0.00	\$0	n/a##	\$0
Other (as needed)	\$3,000	1-Apr-2008	28-May-2009	1.16	\$173	i //i⊸i* n/a*⊬	\$173
Notes for DELAYED costs	report. The da	ite required is the o	date of the remova	l of the U complian	JST system and th	nd submits a release ne final date is the es	stimated date of
Avoided Costs	ANN	UALIZE [1] avoid	ed costs before e			one-time avoided o	
Disposal				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2] ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [5] Other (as needed)				0.00	\$0	\$0	\$0
Other (as needed)		1		1 0.00	77	J.,	
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$3,000	1		TOTAL		\$173

Compliance History

Customer/	Respondent/Owner-Operator:	CN600803597		& Sons Automobile Sa any, Inc.	alvage	Classification:	AVERAGE	Rating: 2.25
Regulated	Entity:	RN101531887		O & SONS AUTOMOE AGE COMPANY INC	BILE	Classification:	AVERAGE	Site Rating: 1.50
ID Number(s):		PETROLEUM STORAGE TANK REGISTRATION			REGIST	TRATION		28032
Location:		419 S 7TH ST, C	ORSICAN	NA, TX, 75110		Rating Date: \$	September 01 0	7 Repeat Violator: NC
TCEQ Reg	gion:	REGION 04 - DF	W METR	OPLEX				
Date Com	pliance History Prepared:	June 18, 2008						
Agency Decision Requiring Compliance History:		Enforcement						
Compliand	ce Period:	June 18, 2003 to	June 18,	2008				<u>.</u>
TCEQ Sta	ff Member to Contact for Additional Info	rmation Regarding t	this Comp	liance History				
Name:	Judy Kluge	Ph	none:	817-588-5825				
		Site C	Compliar	nce History Comp	onents			
1. Has the	site been in existence and/or operation	for the full five year	r compliar	nce period?	Yes			
2. Has the	ere been a (known) change in ownership	of the site during the	ne complia	ance period?	No			
3. If Yes,	who is the current owner?				N/A			
4. if Yes,	who was/were the prior owner(s)?				N/A			
5. When	did the change(s) in ownership occur?				N/A			
Compor	ents (Multimedia) for the Site :						· · · · · · · · · · · · · · · · · · ·	
Α.	Final Enforcement Orders, court judger	ments, and consent	decrees	of the state of Texas	and the fed	teral government.		
	N/A							
В.	Any criminal convictions of the state of N/A	Texas and the fede	eral gover	nment.				
C.	Chronic excessive emissions events.							
	N/A							
D.	The approval dates of investigations. (CCEDS Inv. Track.	No.)					
	1 06/16/2006 (482816) 2 10/29/2007 (596082) 3 06/13/2008 (681787)							
E.	Written notices of violations (NOV). (C	CEDS Inv. Track. N	lo.)					
	Date: 06/16/2006 (48281							
	Description: Failure to pe	olementation date, a of the system is not	from serv	Classif47(a)(2) ice, no later than 60 d g UST system for whice nto timely compliance	ays after t	licable		
F.	Environmental audits. N/A							
G.	Type of environmental management s	ystems (EMSs).						
	N/A							
н.	Voluntary on-site compliance assessm	ent dates.						
	N/A							
I.	Participation in a voluntary pollution re	duction program.						
J.	N/A Early compliance.							
Sites Outsi	N/A de of Texas							,

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	$\mathbf{e}_{\mathbf{r}} = \mathbf{e}_{\mathbf{r}} + $
DOWD & SONS AUTOMOBILE	§	TEXAS COMMISSION ON
SALVAGE COMPANY, INC. AKA	§	ď
DOWD & SONS, INC.	§	
RN101531887	§	ENVIRONMENTAL QUALITY
	§	

AGREED ORDER DOCKET NO. 2007-1881-MLM-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Dowd & Sons Automobile Salvage Company, Inc. aka Dowd & Sons, Inc. ("Dowd & Sons") under the authority of Tex. Water Code chs. 7, 26 and 37. The Executive Director of the TCEQ, represented by the Litigation Division, and Dowd & Sons appear before the Commission and together stipulate that:

- 1. Dowd & Sons owns and operates an automobile salvage and wrecking yard located at 419 7th Street, Corsicana, Navarro County, Texas (the "Facility"). There used to be located at the Facility an out-of-service 1,000 gallon steel underground storage tank ("UST") which is not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.
- 2. This Agreed Order is entered into pursuant to Tex. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to Tex. WATER CODE § 5.013 because it alleges violations of Tex. WATER CODE chs. 26 and 37 and TCEQ rules.
- 3. The Commission and Dowd & Sons agree that the Commission has jurisdiction to enter this Agreed Order, and that Dowd & Sons is subject to the Commission's jurisdiction.
- 4. Dowd & Sons received notice of the violations alleged in Section II ("Allegations") on or about June 18, 2008.

- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Dowd & Sons of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- An administrative penalty in the amount of four thousand six hundred seventy-three dollars 6. (\$4,673.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Dowd & Sons paid three hundred ninety-four dollars (\$394.00) of the administrative penalty. The remaining amount of four thousand two hundred seventy-nine dollars (\$4,279.00) of the administrative penalty shall be payable in 11 monthly payments of three hundred eighty-nine dollars (\$389.00) each, pursuant to 30 Tex. ADMIN. CODE § 70.9(a). The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Dowd & Sons fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Dowd & Sons's failure to meet the payment schedule of this Agreed Order constitutes the failure by Dowd & Sons to timely and satisfactorily comply with all of the terms of this Agreed Order.
- 7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and Dowd & Sons agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Dowd & Sons has not complied with one or more of the terms or conditions in this Agreed Order.
- 10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

During an investigation conducted on May 28, 2008, a TCEQ Dallas/Fort Worth Regional Office investigator documented that Dowd & Sons violated:

- 1. 30 Tex. ADMIN. Code §§ 30.5(a), 30.301(b), 334.55(a)(3) and 334.401(a), and Tex. WATER Code § 37.003 by failing to hold an on-site supervisor license and contractor registration prior to removal of a UST from the ground;
- 2. 30 Tex. ADMIN. Code §§ 334.6(b)(2) and 334.55(a)(1) by failing to provide a written notification to the TCEQ at least 30 days prior to performing a major construction activity, namely removing a UST; and
- 3. 30 Tex. ADMIN. Code §§ 334.55(a)(6) and 334.55(e)(1) by failing to determine whether or not a release has occurred by performing a site assessment.

III. DENIALS

Dowd & Sons generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Dowd & Sons pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Dowd & Sons's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Dowd & Sons Automobile Salvage Company, Inc. aka Dowd & Sons, Inc., Docket No. 2007-1881-MLM-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. Dowd & Sons shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order Dowd & Sons shall obtain qualified, licensed personnel to conduct a site assessment and submit a copy of the site assessment report, in accordance with 30 Tex. Admin. Code § 334.55 to:

Remediation Division, MC 137
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

If corrective action is necessary, Dowd & Sons shall comply with 30 Tex. ADMIN. CODE § 334.79 "Removal of Non-Aqueous Phase Liquids" and 30 Tex. ADMIN. CODE § 334.80 "Investigation for Soil and Groundwater Cleanup," in addition to any other applicable requirements of 30 Tex. ADMIN. CODE ch. 334 and associated TCEQ guidance documents, within the applicable timeframes as stated in 30 Tex. ADMIN. CODE ch. 334 or as directed otherwise in writing by TCEQ LPST program staff.

b. Within 45 days after the effective date of this Agreed Order, Dowd & Sons shall submit written certification and detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with Ordering Provision No. 2.a. above. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Dowd & Sons shall submit the written certification and copies of documentation necessary to demonstrate compliance with Ordering Provision No. 2.a. to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

and

Sam Barrett, Waste Section Manager Dallas/Fort Worth Regional Office Texas Commission on Environmental Quality 2309 Gravel Drive Fort Worth, Texas 76118-6951

- 3. The provisions of this Agreed Order shall apply to and be binding upon Dowd & Sons. Dowd & Sons is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If Dowd & Sons fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Dowd & Sons' failure to comply is not a violation of this Agreed Order. Dowd & Sons shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Dowd & Sons shall notify the Executive Director within seven days after Dowd & Sons becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Dowd & Sons shall be made in writing to the Executive Director. Extensions are not effective until Dowd & Sons receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against Dowd & Sons in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 8. Under 30 Tex. Admin. Code § 70.10(b) and Tex. Gov't Code § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Agreed Order to Dowd & Sons, or three days after the date on which the Commission mails notice of this Agreed Order to Dowd & Sons, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
Johnson Penlie	10/29/09
For the Executive Director	Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on Dowd & Sons's compliance history;
- Greater scrutiny of any permit applications submitted by Dowd & Sons;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against Dowd & Sons;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Dowd & Sons; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

Date

2) Rusmin.

Name (Printed or typed)

Title

Authorized representative of

Dowd & Sons Automobile Salvage Company, Inc. aka Dowd & Sons, Inc.